



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4534

by Rep. Careen M Gordon

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-326 new
105 ILCS 5/2-3.148 new
105 ILCS 5/10-20.46 new
105 ILCS 5/21-30 new
105 ILCS 5/34-18.37 new
30 ILCS 805/8.32 new

Amends the School Code and the Department of State Police Law of the Civil Administrative Code of Illinois. Requires the State Board of Education to develop a streamlined system in which school boards report to the State Board on instances in which misconduct by a teacher that involves a child leads to the teacher's dismissal or resignation. Requires a school board to report to the State Board all instances in which misconduct by a teacher that involves a child leads to the teacher's dismissal or resignation. Provides that the State Board shall require that each person seeking a teaching certificate in this State or renewing a teaching certificate in this State, as part of the issuance and renewal process, authorize an investigation to determine if the person has ever been convicted of a crime and, if so, the disposition of those convictions. Provides that the investigation shall consist of a fingerprint-based criminal history records check. Provides that any criminal convictions and their disposition information obtained by the State Board is confidential; provides for a penalty for violating this provision. Amends the State Mandates Act to require implementation without reimbursement.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-326 as follows:

7 (20 ILCS 2605/2605-326 new)

8 Sec. 2605-326. Conviction information for State Board of
9 Education. On request of the State Board of Education, to
10 conduct a fingerprint-based criminal history records check
11 pursuant to Section 21-29 of the School Code. The Department
12 shall furnish the conviction information to the State Board of
13 Education.

14 Section 10. The School Code is amended by adding Sections
15 2-3.148, 10-20.46, 21-30, and 34-18.37 as follows:

16 (105 ILCS 5/2-3.148 new)

17 Sec. 2-3.148. Teacher misconduct reporting system. The
18 State Board of Education shall develop a streamlined system in
19 which school boards report to the State Board on instances in
20 which misconduct by a teacher that involves a child leads to
21 the teacher's dismissal or resignation. The State Board may

1 adopt any rules necessary to implement this Section.

2 (105 ILCS 5/10-20.46 new)

3 Sec. 10-20.46. Report of teacher misconduct. Under the
4 system developed by the State Board of Education under Section
5 2-3.148 of this Code, a school board must report to the State
6 Board of Education all instances in which misconduct by a
7 teacher that involves a child leads to the teacher's dismissal
8 or resignation.

9 (105 ILCS 5/21-30 new)

10 Sec. 21-30. Criminal history records check required.

11 (a) The State Board of Education shall require that each
12 person seeking a teaching certificate in this State or renewing
13 a teaching certificate in this State, as part of the issuance
14 and renewal process, authorize an investigation to determine if
15 the person has ever been convicted of a crime and, if so, the
16 disposition of those convictions. This authorization shall
17 indicate the scope of the inquiry and the agencies that may be
18 contacted. Upon this authorization, the State Board of
19 Education may request and receive information and assistance
20 from any federal, State, or local governmental agency as part
21 of the authorized investigation.

22 The investigation must be undertaken after the
23 fingerprinting of the person in the form and manner prescribed
24 by the Department of State Police. The investigation shall

1 consist of a criminal history records check performed by the
2 Department of State Police and the Federal Bureau of
3 Investigation or some other entity that has the ability to
4 check the applicant's fingerprints against the fingerprint
5 records now and hereafter filed in the Department of State
6 Police and Federal Bureau of Investigation criminal history
7 records databases. If the Department of State Police and the
8 Federal Bureau of Investigation conduct an investigation
9 directly for the State Board of Education, then the Department
10 of State Police shall charge the State Board of Education a fee
11 for conducting the criminal history records check, which must
12 be deposited into the State Police Services Fund and must not
13 exceed the actual cost of the records check.

14 The Department of State Police shall provide information
15 concerning any criminal convictions, and their disposition,
16 brought against the person upon request of the State Board of
17 Education when the request is made in the form and manner
18 required by the Department of State Police. The information
19 derived from this investigation, including the source of this
20 information, and any conclusions or recommendations derived
21 from this information by the Department of State Police must be
22 provided to the person or his or her designee upon request to
23 the State Board of Education prior to any final action by the
24 State Board of Education on the teaching certificate.

25 (b) No information obtained from an investigation under
26 this Section may be placed in any automated information system.

1 Any criminal convictions and their disposition information
2 obtained by the State Board of Education is confidential and
3 must not be transmitted outside the State Board of Education,
4 except as required in this Section, and must not be transmitted
5 to anyone within the State Board of Education except as needed
6 for the purpose of issuing or renewing the teaching
7 certificate. The only physical identity materials that the
8 person may be required to provide the State Board of Education
9 are photographs or fingerprints. These materials must be
10 returned to the person, upon request to the State Board of
11 Education, after the investigation has been completed, and no
12 copy of these materials may be kept by the State Board of
13 Education or any agency to which such identity materials were
14 transmitted. Only information and standards that bear a
15 reasonable and rational relationship to the issuance or renewal
16 of a teaching certificate may be used by the State Board of
17 Education.

18 (c) Any employee of the State Board of Education who gives
19 or causes to be given away any confidential information
20 concerning any criminal convictions, and their disposition, of
21 a person under this Section is guilty of a Class A misdemeanor,
22 unless release of this information is authorized by this
23 Section.

24 (d) The State Board of Education shall adopt rules for the
25 administration of this Section.

1 (105 ILCS 5/34-18.37 new)

2 Sec. 34-18.37. Report of teacher misconduct. Under the
3 system developed by the State Board of Education under Section
4 2-3.148 of this Code, the board must report to the State Board
5 of Education all instances in which misconduct by a teacher
6 that involves a child leads to the teacher's dismissal or
7 resignation.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.32 as follows:

10 (30 ILCS 805/8.32 new)

11 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 95th General Assembly.